

JUDGMENT

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A M E N D E D

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

NO. 03-10117
CT/AG#: CR-02-00245-DAE

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

CHRISTOPHER ISAAC NATIVIDAD

Defendant - Appellant

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

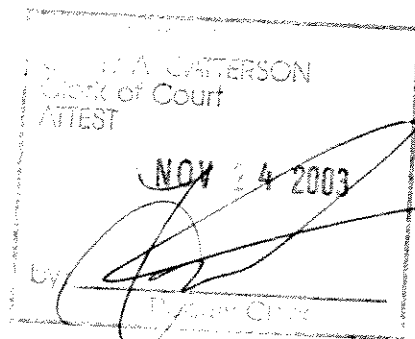
DEC 01 2003

at 1 o'clock and 50 min. P.M.
WALTER A. Y. H. CHINN, CLERK

APPEAL FROM the United States District Court for the
District of Hawaii (Honolulu) .

ON CONSIDERATION WHEREOF, It is now here ordered and
adjudged by this Court, that the appeal in this cause
be, and hereby is dismissed.

Filed and entered October 20, 2003



ORIGINAL

FILED

NOT FOR PUBLICATION

OCT 20 2003

UNITED STATES COURT OF APPEALS

CATHY A. CATTERSON
CLERK, U.S. COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

CHRISTOPHER ISAAC NATIVIDAD,

Defendant - Appellant.

No. 03-10117

D.C. No. CR-02-00245-DAE

MEMORANDUM*

Appeal from the United States District Court
for the District of Hawaii
David A. Ezra, District Judge, Presiding

Submitted October 14, 2003**

Before: WARDLAW, BERZON and CLIFTON, Circuit Judges.

Christopher Isaac Natividad appeals his 262-month sentence following his guilty plea to distribution of methamphetamine within 1,000 feet of a private

* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by Ninth Circuit Rule 36-3.

** This panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

elementary school and possession with intent to distribute methamphetamine in violation of 21 U.S.C. §§ 860(a) and 841(a)(1).

Natividad argues that the district court failed to make adequate findings in rejecting his claim of sentencing entrapment or manipulation by undercover officers. The record, however, is clear that the court exercised its discretion not to make a downward departure. Such a discretionary decision is unreviewable. *See United States v. Romero*, 293 F.3d 1120, 1126 (9th Cir. 2002), *cert. denied*, 123 S. Ct. 948 (2003).

DISMISSED.

